

AMENDED IN SENATE APRIL 23, 2014

AMENDED IN SENATE APRIL 9, 2014

AMENDED IN SENATE MARCH 26, 2014

SENATE BILL

No. 1349

Introduced by Senator Jackson

(Principal coauthor: Assembly Member Bonilla)

(Coauthors: Senators Correa and Hancock)

February 21, 2014

An act to add Section 221.9 to the Education Code, relating to school athletics.

LEGISLATIVE COUNSEL'S DIGEST

SB 1349, as amended, Jackson. School athletics: information relating to competitive athletics.

Existing law, known as the Sex Equity in Education Act, declares that it is the policy of the state that elementary and secondary school classes and courses, including nonacademic and elective classes and courses, be conducted without regard to the sex of the pupil enrolled in those classes and courses. The act also prohibits public funds from being used in connection with any athletic program conducted under the auspices of a school district governing board or any student organization within the district that does not provide equal opportunity to both sexes for participation and for use of facilities.

This bill would express legislative findings and declarations relating to the participation of girls and women in competitive athletics. The bill would require, commencing with the 2015–16 school year and every 3 years thereafter, each public elementary and secondary school in the state that ~~has pupils who participate in~~ *offers* competitive athletics, as

defined, to report specified data to the governing board of its school district. The bill would also require the governing board of the school district to cause this information to be posted on the school district's Internet Web site. The bill would require the State Auditor, on July 1, 2019, and every 3 years thereafter, to choose 10 high schools whose numbers are not proportionally representative of the male and female participants in the school's athletic program, and to audit each of those schools for full compliance with specified laws. The bill would require the State Auditor, within 6 months of the applicable July 1, to report the results of the audit to various entities, including, among others, the audited schools, the Governor, and the Senate and Assembly Committees on Education.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:
3 (a) Female pupils receive substantial benefits from participating
4 in athletics, including physical benefits, psychological and
5 emotional health benefits, learning responsible social behavior,
6 and achieving greater academic success. The achievements of
7 women in athletics is demonstrated by their performances in the
8 Olympic Games, women's professional sports leagues, and other
9 national and international women's sporting events that receive
10 public attention.
11 (b) In 1912, only 2 percent of Olympic athletes were women;
12 in 2012, 44 percent of Olympians were women.
13 (c) Between 1972 and 2011, the number of girls competing in
14 high school sports jumped from under 295,000 to nearly 3,200,000.
15 But girls' opportunities still have not reached the level that boys
16 were at back when Title IX of the Education Amendments of 1972
17 to the Civil Rights Act of 1964 was enacted.
18 (d) There are more women playing collegiate sports—about
19 200,000—than ever before. The number of female athletes at
20 National Collegiate Athletic Association (NCAA) schools has
21 increased from less than 30,000 to over 193,000 since 1972, but
22 women still have over 60,000 fewer participation opportunities
23 than their male counterparts.

(e) Despite the fact that millions of women and girls are competing, they are unlikely to see athletic role models of their own gender in the media. Researchers from the University of California and Purdue University completed a 20-year study of sports coverage that shows the short shrift that women's sports receives compared to men's on network news and ESPN SportsCenter: in 2009, women's sports got only 1.6 percent of the airtime, down from 6.3 percent in 2004.

(f) Unfortunately, Title IX has not managed to extend the social and health benefits of sports to all girls equally. In 2008, a national survey of pupils in grades 3 to 12, inclusive, by the Women's Sports Foundation found that 75 percent of Caucasian girls play sports, compared to less than two-thirds of African American and Hispanic girls, and about one-half of Asian girls. And, while boys from immigrant families are well represented in youth sports, less than one-half of the girls from those families are playing.

(g) The gender gap is also worse in urban schools and among kids from low-income families. These disparities in youth sports persist at the collegiate level. African American women are underrepresented in all sports except for Division I basketball and track and field, and Latinas make up just 4 percent of the female athletes in the NCAA.

SEC. 2. Section 221.9 is added to the Education Code, to read:
221.9. (a) Commencing with the 2015–16 school year and every three years thereafter, each public elementary and secondary school in the state that ~~has pupils who participate in~~ *offers* competitive athletics shall report to the governing board of its school district all of the following information:

(1) The total enrollment of the school, classified by gender.

(2) The number of pupils enrolled at the school who participate in competitive athletics, classified by gender.

(3) The number of boys' and girls' teams, classified by sport and by competition level.

(b) The governing board of the school district shall cause the information submitted by each school pursuant to subdivision (a) to be made publicly available by being posted on the Internet Web site of each school district.

(c) The materials used by each school to compile the information submitted pursuant to subdivision (a) shall be retained by the school

1 for at least three years after the information is posted on the Internet
2 pursuant to subdivision (b).

3 (d) As used in this section, “competitive athletics” means sports
4 where the activity has coaches, practices, competitions during a
5 defined season, a governing organization, and has competition as
6 its primary goal.

7 (e) (1) On July 1, 2019, and every three years thereafter, the
8 State Auditor shall randomly choose 10 high schools that offer
9 competitive athletics, and whose numbers are not proportionally
10 representative of the male and female participants in the school’s
11 athletic program, and shall audit each of the schools for full
12 compliance with Title IX of the Education Amendments of 1972
13 (20 U.S.C. Sec. 1681 et seq.).

14 (2) The State Auditor shall, within six months of the applicable
15 July 1, report the results of the audit required pursuant to paragraph
16 (1) to the audited schools, the governing board of the school district
17 of the audited schools, the department, the Governor, the Senate
18 and Assembly Committees on Education, and the Senate and
19 Assembly Judiciary Committees.

20 (3) The requirement for submitting a report pursuant to this
21 subdivision is inoperative on January 1, 2024, pursuant to Section
22 10231.5 of the Government Code.